IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.13542 of 2001

Between:

1 K. Pitchaiah, S/o. Nagaiah, aged about 48 years,
R/o. Janasaktinagar near Vedayapalem, Nellore,
Nellore District.
2 Arava Nirmala, W/o. Raja, aged about 34 years,
R/o. Janasaktinagar near Vedayapalem, Nellore,
Nellore District.
3 B. Ramanamma, W/o Ramaiah, aged about 34 years,
R/o. Janasaktinagar near Vedayapalem, Nellore,
Nellore District.
4 K. Vijaya W/o. Nagaraju, aged about 34 years,
R/o. Janasaktinagar near Vedayapalem, Nellore,
Nellore District.
5 M. Marthamma, W/o. Subba Rao, aged about 34 years,
R/o. Janasaktinagar near Vedayapalem, Nellore,
Nellore District.

..... PETITIONERS

AND

1 K. Srinivasula Reddy, S/o. not known, aged about 40 years,
Superintendent of Police, Nellore District, S.P. Bunglow, Nellore.
2 Superintendent of Police, S.P.Bunglow, Nellore, Nellore District.
3 T. V. Raja Gopal, S/o. not known, Deputy Superintendent of Police,

Nellore, Nellore District.
4 The Deputy Superintendent of Police,
Nellore Town, Nellore District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ or Order or Direction, more particularly in the nature of Writ of mandamus declaring the action, of the respondents in conducting cordon search of residential houses numbering 50 (list is filed in annexure) on intervening night of '3/4-6-2001 in Janasaktingar, near Vedayapalem, Nellore District, is illegal, arbitrary, unconstitutional and violation of the provisions under section 100 & 165 of Criminal Procedure code and also direct the respondents to pay one lakh damages to the petitioners as also to the persons mentioned in the Annexure (Rs.2000/- each family) and consequently direct the respondents not to conduct any further cordon search operations nor interfere in civil disputes in Janasaktinagar , near Vedayapalem, Nellore, Nellore District with out following the due process of law.

Counsel for the Petitioners: MR.V.NARAYANA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

The Court made the following:

ORDER:

The petitioners claim to be residents of Janasaktinagar, Vedayalapalem, Nellore Town. They are aggrieved by the action of the police in allegedly conducting search of residential houses in Janasaktinagar on the intervening night of 3/4.6.2001. Therefore, they seek a declaration that the action of the respondents in conducting “cordon search” of houses in Janasaktinagar is illegal and for a direction to respondents to pay damages to 50 persons whose names are mentioned in the annexure attached to the writ petition.

It is stated in the affidavit accompanying the writ petition that the residents of Janasaktinagar are daily wage earners. According to them, the colony was developed by the people of the colony themselves by laying roads, digging water well, constructing thatched as well as residential houses and also running an elementary school. On 3/4.6.2001, they allege that 150 members of armed reserved

police cordoned 50 residential houses and terrorized the inmates of the houses by asking irrelevant questions, by result of which the entire colony got scared. It is, therefore, contended that the action of the police in conducting cordon search is violative of Sections 100 and 165 of Code of Criminal Procedure, 1973 (Cr.P.C).

The fourth respondent filed a counter affidavit stating that the petitioners are accused in Crime Nos.175 and 176 of 2001. The petitioners resorted to highhanded action to take control of Janasaktinagar and started intimidating the residents. 21 complaints were received against the petitioners and the Police registered, Crime Nos.174, 175, 176 and 177 of 2001 of V Town P.S. Nellore. The allegation that the police conducted search of the houses is denied. It is further stated that on 4.6.2001 police conducted a meeting in the colony to exchange views so as to promote goodwill and induce the residents to live in peace. The allegation that the police are interfering in the civil disputes is also denied.

The counter affidavit is filed way back in 2001 and no reply affidavit is filed denying the same. Be that as it is, reliance is placed on Sections 100 and 165 of Cr.P.C. Sections 100 and 165 of Cr.P.C apply when police is required to search premises. They have no application when a cordon search is conducting to fish out anti-social elements hiding in a colony. A specific allegation is made in the counter affidavit filed by fourth respondent that the petitioners trespassed into four houses and threatened the inmates and also damaged the houses. When complaints are received from the residents against the petitioners and other such anti-social elements, it is incumbent on the part of the police to search the colony and apprehend offenders. Therefore, it cannot be said that the police have committed illegality.

It is no doubt true that as repeatedly held by various Courts police cannot interfere in the civil disputes between two citizens. As the allegation that the police are interfering in civil disputes is denied, no relief can be granted.

The writ petition is devoid of merits and is, accordingly, dismissed.

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(**V.V.S.RAO,J**)

June 16, 2005.

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To

1 The Superintendent of Police, S.P.Bunglow, Nellore, Nellore District.
2 The Deputy Superintendent of Police, Nellore Town, Nellore District.

3 Two CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad. (OUT)

4 Two CD copies.

NOTE: Append a copy of the annexure of page 12 of the material papers.